

**MINUTES  
SPECIAL MEETING  
UTILITY SERVICE BOARD  
APRIL 23, 2010**

A Special Meeting of the Utility Service Board of the City of Jasper, Indiana, was held in the Council Chambers of City Hall in Jasper at 8:00 AM on Friday, April 23, 2010.

The meeting was called to order by Chairman Wayne Schuetter.

**UPON CALL OF THE ROLL, THE FOLLOWING WERE PRESENT:**

Wayne Schuetter – Chairman  
Rick Stradtner – Vice Chairman  
Mike Harder – Secretary  
Doug Schulte – Water Commissioner  
Alex Emmons – Wastewater Commissioner  
Greg A. Krodel – Gas Commissioner  
Ken Sendelweck – Electric Commissioner

**ALSO PRESENT:**

Jerry Schitter – Electric Distribution Manager  
Windell Toby – Electric Generation Manager  
Michael A. Oeding – Gas & Water Manager  
Ed Hollinden – Wastewater Manager  
Bud Hauersperger – General Manager  
Sandy Hemmerlein – City Attorney

**PLEDGE OF ALLEGIANCE** (B-21)

Chairman Wayne Schuetter led the Pledge of Allegiance.

**CONFLICT OF INTEREST** (B-28)

City Attorney, Sandy Hemmerlein reminded the Board that when this project started in May 2007 she submitted a letter to the Board stating that she had a conflict of interest. She was raised in this area and several family members own land next to Beaver Creek Lake Dam. Hemmerlein's mother actually owns the parcel of land the City needs to purchase or obtain an easement to in order to complete the rehabilitation project.

Hemmerlein stated that she would still be available to help complete paperwork, prepare Resolutions, etc., but that she does not want to be involved at all in the decision making process that relates to this project or the preparation of easements and/or land acquisitions for this project. Hemmerlein encouraged the Board to seek outside counsel for any help that she would not ethically be able to provide.

Chairman Schuetter said he spoke with Bingham McHale and asked if they would be available to help with legal advice, should Sandy Hemmerlein recuse herself. Bingham McHale said they could step in with legal services, if the need should arise.

Rick Stradtner made a motion approving Bingham McHale be used for legal services when City Attorney Sandy Hemmerlein would not be able to provide advice on the Beaver Creek Lake Dam Rehabilitation Project. Alex Emmons seconded the motion. Motion approved, 7-0.

### **APPROVE REHABILITATION OPTION FOR BEAVER CREEK LAKE DAM PROJECT** (B-79)

Doug Schulte, Chairman of the Water Planning Committee, stated the Committee has met twice to discuss and review the Christopher Burke Engineering's preliminary engineering report which outlines 7 options for rehabilitating Beaver Creek Lake Dam. Schulte said this project is a directive from the Indiana DNR to prepare the dam to be able to handle a Probable Maximum Precipitation or 27 inches of rain in 6 hours.

After much discussion the Committee is recommending the Board approve Option 4 for rehabilitating the dam for an estimated cost of \$2,423,500. Schulte stated an option needs to be chosen today in order to move along with the OCRA grant application. Several more steps need to be completed before submitting the grant application, such as more engineering once an option is chosen, acquiring some land or obtaining an easement, and a public hearing. Bud Hauersperger said the additional engineering costs should total approximately \$200,000. (The engineering costs would be the same no matter which option is chosen.)

Schulte added that the items discussed when evaluating each option were the effects of upstream flooding when using a floodwall and downstream flooding from the proposed spillway updates. Bud Hauersperger also spoke with a landowner about downstream flooding from the spillway. The effects should be minimal based off what is typical flooding from the Patoka River.

Hauersperger stated that each option had different characteristics about how quickly the water would be released from the spillway and how long the water would remain in the fields. Some options would release the water quickly and allow the water to drain off the fields quicker, while other options would release the water slowly, but would keep the water on the fields for a longer period of time. Option 4 did not release the water the fastest or the slowest. It was in the middle of the spectrum.

Chairman Schuetter said the Committee also analyzed Options 6 and 7 which used a 2 foot or 4 foot floodwall across the top of the dam. Maintenance of the wall and around the wall, aesthetics, and chances for liability because of activity on or around the wall were all contributing factors for not choosing either of these options. The maintenance of the dam would be extremely difficult having to work around the floodwall. Schuetter said comparing short-term costs with possible long-term costs, the Committee felt that Option 4 was the best overall option.

Schuetter said in talking with Lisa Gehlhausen that the increase in cost versus the options looked at with the City's 10% match, there would only be an increase of \$20,000 to \$50,000 between Option 4 or 7.

Mayor Schmitt asked if the grant application was denied, would the Committee still proceed with Option 4. Schuetter said the Committee would come back and revisit at that time and that the EDA grant would still be an option.

Doug Schulte made a motion to approve Option 4 for the rehabilitation of Beaver Creek Lake Dam for the estimated construction costs of \$2,423,500, plus engineering costs. Greg Krodel seconded the motion. Motion approved, 7-0.

Lisa Gehlhausen said that other steps need to be completed before the grant application can be submitted. A public hearing needs to be held before the next Common Council meeting on May 19<sup>th</sup>. The public hearing must be advertised 10 days prior to the hearing. Her goal is to have the application submitted by May 20<sup>th</sup> or 21<sup>st</sup>. The financial piece of how the City's match will be made needs to be in place and explained. The engineering needs to be completed since an option was selected today. The environmental review needs to be completed, of which two more letters still need to be received back from the review agencies. Any permits needed, need to be identified. As far as site control, either the purchase of the land or an easement needs to be obtained before submittal of the application. Gehlhausen said the review of the application by OCRA should be quick and the City should know whether they have approved or denied the grant application in 45 days.

Chairman Schuetter said previously it was discussed to offer an 80/20% match on this grant application. Due to the costs increasing the Committee is now suggesting changing the match to 90/10%. Gehlhausen feels that the 90/10% match is still a good match, because this grant actually requires little to no match. If the grant application is approved, the project must be completed in 18 months. Funding will come for each invoice received. The City will not have to pay the bill and then wait for reimbursement.

Ken Sendelweck made a motion to offer a 90/10% match on the OCRA grant application, instead of the previously discussed 80/20%. Rick Stradtner seconded the motion. Motion approved, 7-0.

#### **CHANGE-OUT TO RADIO READ METERS** (B-420)

Wayne Schuetter said there has been some confusion over the change-out to radio read meters after Monday's Utility Service Board Meeting and Wednesday's Common Council Meeting. Bud Hauersperger said at Monday's meeting, it was approved to have Mike Oeding send a final letter to customers giving them 15 days to call and have their meters changed out or the Water Department would be disconnecting their water and making the necessary repairs.

At the Common Council meeting on Wednesday, the Mayor said he wants face to face visits to meet with customers to explain what is needed and the process. Hauersperger said they will be adding this step and making every attempt possible to meet face to face with the customers before the final resort of sending the letter giving the customer 15 days to complete the repairs.

Mike Oeding said they are also checking Courthouse records to make sure they are contacting the correct property owners. He also said that 1 of the 6 homes needing repairs is actually being completed right now, so they are down to 5 homes to repair.

**REQUESTS FOR PROPOSALS** (B-450)

Chairman Schuetter said Hauersperger has been working this week on the language for the Requests for Proposals (RFP's) to be sent out for the Power Plant project and asked for an update on this. Hauersperger said he has reviewed the outline, as well as Sandy Hemmerlein and Wayne Schuetter. He also sent it Bingham McHale for review. As soon as he hears back from Bingham McHale, the RFP's will be ready to send out.

There being no further business to come before the Board, the meeting was adjourned at 8:33 AM upon motion by Alex Emmons and second by Doug Schulte. Motion approved, 7-0.

The minutes were hereby approved \_\_\_\_\_ with \_\_\_\_\_ without corrections this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Attest: \_\_\_\_\_  
Secretary Chairman